

REMARKS/ARGUMENTS

This is in response to the official action dated August 31, 2007. Reconsideration is respectfully requested.

Claim rejections under 35 USC § 112

The Examiner rejected claims 4, 13 and 14 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regard as the invention. Claims 4, 13 and 14 are canceled and therefore, the rejections are moot.

Claim rejections under 35 USC § 103

The Examiner rejected claims 1-4, 7-10 and 14 being obvious over Kvietok et al., US 2003/0175148). As shown below, the remaining claims 1, 2 and 7 are not obvious over the Kvietok reference.

Kvietok provides a device which provides for controlling the release of volatile material to the atmosphere. The paragraph cited by the examiner describes FIG. 22 of the reference shows an embodiment in which the volatilization control component comprises a conductive element 74 that is part of a volatile material-containing article 22. FIG. 22 shows a fill or refill unit 22, and the unit has a conductive element that is conductive label 74 which mates with contacts on and/or in the emitting device. The conductive label may be located in one of four possible locations 76A, B, C, and D, each of which contacts one or more contacts on the emitting device. When the fill or refill unit 22 is associated with a device, the conductive label 74 completes an electric circuit that powers a heating element in the device. The device has more than one circuit to power the heating element, each circuit yielding different heater outputs. The location of the conductive label 74 is such that only one of the circuits is completed when the fill or refill unit 22 is associated with the device. The position of the conductive label 74 can be varied depending on the volatile material contained in the fill or refill unit. The heating output controls the amount of volatile material which is dispenses.

This teaching has nothing in common with applicant's claimed invention which is directed at controlling the authenticity of refills that may be associated with the main device. The invention prevents counter fit refills to be used which may destroy or damage the device. For

that end, applicant provides a "security system" which provides one part of the system to be located within the device and another part to be arranged on the separate refill. The device included an electrically driven actuator connected to a switch including a radio frequency transmitter and a receiver circuit capable of transmitting a signal. The separate refill includes a closure means which comprises a metallic coil which is capable of resonating in sympathy with the signal and emitting a return resonant signal. Only when such resonating in sympathy occurs, the switch and the closure means enable the actuator device in a material-dispensing manner. Thus, the present invention provides an entirely different arrangement and has an entirely different purpose. The present invention is not obvious over the cited reference of Kvietok. Thus, since the amended claim is not obvious over the cited reference, Applicant respectfully submits that the rejection should be withdrawn. Applicants submit that the claims as amended are patentable.


CONDITIONAL PETITION FOR EXTENSION OF TIME

If entry and consideration of the amendments above requires an extension of time, Applicants respectfully request that this be considered a petition therefor. The Assistant Commissioner is authorized to charge any fee(s) due in this connection to Deposit Account No. 14-1263.

ADDITIONAL FEE

Please charge any insufficiency of fees, or credit any excess, to Deposit Account No. 14-1263.

Respectfully submitted,
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